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EXAMINER	
AHMED, SALMAN	
ART UNIT	PAPER NUMBER
2419	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/675,363	COLIN ET AL.	
	Examiner	Art Unit	
	SALMAN AHMED	2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 September 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claims 1-24 are pending.

Claims 1-24 are rejected.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 3, 4, 6, 8, 9, 11-12, 14, 16, 17, 19, 20, 22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Somekh et al., hereinafter Somekh, (US2003/0123466) in view of Rom et al., hereinafter Rom (US6252849).

Regarding claim 1, Somekh discloses a modem relay over packet based network (see Somekh paragraph 21) comprising: (a) transmitting data packages (see Somekh paragraph 217 data packets) from a plurality of data sources (see Somekh figure 11 box

524) in a first computer network to a first gateway (see Somekh paragraph 217 gateway and figure 7 box 36a); (b) transmitting the data packages from the first gateway to a second gateway (see Somekh paragraph 217 data signals received by gateways 36a and 36b are optionally forwarded to the other gateway in data packets); (c) transmitting the data packages from the second gateway to a plurality of data destinations (see Somekh figure 14 box 812 and paragraph 217) in a second computer network(see Somekh paragraph 217 gateway and figure 7 box 36b); (d) transmitting acknowledgement messages from the data destinations to the second gateway (see Somekh paragraph 226 modem 32b will respond with frames to each frame transmitted by gateway); (e) generating messages (see Somekh paragraph 230 a packet which reports the delay due to network being still in the connection establishment negotiation stage) at the second gateway and reception of acknowledgement messages by the second gateway based at least in part on the reception of acknowledgement messages by the second gateway (see Somekh paragraph 228 when gateway 36B receives packet before the connection establishment negotiation stage on network is completed, gateway optionally waits to the end of the negotiation stage before transmitting frame). (f) transmitting the messages from the second gateway to the first gateway (see Somekh paragraph 230 gateway 36B transmitting to gateway 36A a packet which reports the delay due to network being still in the connection establishment negotiation stage).

Somehk disclose all the subject matter of the claimed invention with the exception of: • Pause message

Rom from the same or similar fields of endeavor teaches the use of: Pause frame is provided to an information packet source by a downstream destination to inhibit transmission of information packets such as information frames by the information packet source to the downstream destination for a specified period of time (see Rom col. 5 lines 8-12).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the pause frame as taught by Rom in modem relay over packet based network of Somekh in order to enhance system efficiency by implementing flow control and providing a control signal (see Rom col. 1 line 51 - col. 2 line 6). Regarding claim 3, Somekh teaches further comprising the step of: (g) transmitting the pause messages from the first gateway to the plurality of data sources (see Somekh paragraph 228 gateway 36A repeatedly transmits frames with guess values to modem 32A in order to stall the connection on the network and figure 11 illustrate more that one customers terminals).

Regarding claim 4, Somekh teaches step (a) is performed by a plurality of sending tasks created by the data sources (see Somekh paragraph 258 a plurality of customers, and transmit to each other signals they receive on their twisted pairs and figure 11 box 524).

Regarding claim 6, Somekh teaches the first gateway includes an input task and an output task, the second gateway includes an input task and an output task, step (b) is performed by the output task of the first gateway (see Somekh paragraph 217 data signals received by gateways 36a and 36b are optionally forwarded to the

other gateway in data packets), steps (c) and (e) are performed by the input task of the second gateway (see Somekh paragraph 217 data signals received by gateways 36a and 36b are optionally forwarded to the other gateway in data packets), and step (f) comprises transmitting the pause messages from the output task of the second gateway to the input task of the first gateway (see Somekh paragraph 228- 230).

Regarding claim 8, Somekh teaches further comprising the steps of: (g) sending messages with data package transfer information from the data sources to the first gateway (see Somekh paragraph 258 a plurality of customers, and transmit to each other signals they receive on their twisted pairs and figure 11 box 524); (h) sending a message with the data package transfer information from the first gateway to the second gateway (see Somekh paragraph 217 data signals received by gateways 36a and 36b are optionally forwarded to the other gateway in data packets); (i) sending messages with the data package transfer information from the second gateway to the data destinations (see Somekh figure 14 box 812 and paragraph 217); and (j) checking the data package transfer information at the data destinations (see Somekh paragraphs 291 and 293).

Regarding claim 9, Somekh teaches computer program, stored on a tangible storage medium, for transferring data between computer systems, the program including executable instructions (see Somekh paragraph 261 software) that cause one or more computers to: (a) transmitting data packages (see Somekh paragraph 217 data packets) from a plurality of data sources (see Somekh figure 11 box 524) in a first computer network to a first gateway (see Somekh paragraph 217 gateway and figure 7

box 36a); (b) transmitting the data packages from the first gateway to a second gateway (see Somekh paragraph 217 data signals received by gateways 36a and 36b are optionally forwarded to the other gateway in data packets); (c) transmitting the data packages from the second gateway to a plurality of data destinations (see Somekh figure 14 box 812 and paragraph 217) in a second computer network(see Somekh paragraph 217 gateway and figure 7 box 36b); (d) transmitting acknowledgement messages from the data destinations to the second gateway (see Somekh paragraph 226 modem 32b will respond with frames to each frame transmitted by gateway); (e) generating messages (see Somekh paragraph 230 a packet which reports the delay due to network being still in the connection establishment negotiation stage) at the second gateway and reception of acknowledgement messages by the second gateway based at least in part on the reception of acknowledgement messages by the second gateway (see Somekh paragraph 228 when gateway 36B receives packet before the connection establishment negotiation stage on network is completed, gateway optionally waits to the end of the negotiation stage before transmitting frame). (f) transmitting the messages from the second gateway to the first gateway (see Somekh paragraph 230 gateway 36B transmitting to gateway 36A a packet which reports the delay due to network being still in the connection establishment negotiation stage).

Somehk disclose all the subject matter of the claimed invention with the exception of: • Pause message

Rom from the same or similar fields of endeavor teaches the use of: Pause frame is provided to an information packet source by a downstream destination to inhibit transmission of information packets such as information frames by the information packet source to the downstream destination for a specified period of time (see Rom col. 5 lines 8-12).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the pause frame as taught by Rom in modem relay over packet based network of Somekh in order to enhance system efficiency by implementing flow control and providing a control signal (see Rom col. 1 line 51 - col. 2 line 6).

Regarding claim 11, Somekh teaches further comprising the step of: (g) transmitting the pause messages from the first gateway to the plurality of data sources (see Somekh paragraph 228 gateway 36A repeatedly transmits frames with guess values to modem 32A in order to stall the connection on the network and figure 11 illustrate more that one customers terminals).

Regarding claim 12, Somekh teaches software (see Somekh paragraph 261 software) and step (a) is performed by a plurality of sending tasks created by the data sources (see Somekh paragraph 258 a plurality of customers, and transmit to each other signals they receive on their twisted pairs and figure 11 box 524).

Regarding claim 14, Somekh teaches software (see Somekh paragraph 261 software) and the first gateway includes an input task and an output task, the second gateway includes an input task and an output task, step (b) is performed by the output task of the first gateway (see Somekh paragraph 217 data signals received by gateways

36a and 36b are optionally forwarded to the other gateway in data packets), steps (c) and (e) are performed by the input task of the second gateway (see Somekh paragraph 217 data signals received by gateways 36a and 36b are optionally forwarded to the other gateway in data packets), and step (f) comprises transmitting the pause messages from the output task of the second gateway to the input task of the first gateway (see Somekh paragraph 218 gateway optionally notify each other on reception of a break frame by transmitting a break packet which states the reception of the break frame).

Regarding claim 16, Somekh teaches software (see Somekh paragraph 261 software) and further comprising the steps of: (g) sending messages with data package transfer information from the data sources to the first gateway (see Somekh paragraph 258 a plurality of customers, and transmit to each other signals they receive on their twisted pairs and figure 11 box 524); (h) sending a message with the data package transfer information from the first gateway to the second gateway (see Somekh paragraph 217 data signals received by gateways 36a and 36b are optionally forwarded to the other gateway in data packets); (i) sending messages with the data package transfer information from the second gateway to the data destinations (see Somekh figure 14 box 812 and paragraph 217); and (j) checking the data package transfer information at the data destinations (see Somekh paragraphs 291 and 293).

Regarding claim 17, Somekh teaches a system (see Somekh paragraph 130) for storing and transferring data, the system comprising: • a first gateway coupled to the data sources (see Somekh figure 11 box 524 customers): • a second gateway coupled

to the first gateway (see Somekh figure 2 gateways box 36a and 36b); and • a plurality of data destination coupled to the second gateway (see Somekh figure 14 box 812 computers); where (a) data packages are transmitted (see Somekh paragraph 217 data packets) from a plurality of data sources (see Somekh figure 11 box 524) to the first gateway (see Somekh paragraph 217 gateway and figure 7 box 36a); (b) the data packages are transmitted from the first gateway to the second gateway (see Somekh paragraph 217 data signals received by gateways 36a and 36b are optionally forwarded to the other gateway in data packets); (c) the data packages are transmitted from the second gateway to a plurality of data destinations (see Somekh figure 14 box 812 and paragraph 217); (d) acknowledgement messages are transmitted from the data destinations to the second gateway (see Somekh paragraph 226 modem 32b will respond with frames to each frame transmitted by gateway); (e) generating messages (see Somekh paragraph 230 a packet which reports the delay due to network being still in the connection establishment negotiation stage) at the second gateway and reception of acknowledgement messages by the second gateway based at least in part on the reception of acknowledgement messages by the second gateway (see Somekh paragraph 228 when gateway 36B receives packet before the connection establishment negotiation stage on network is completed, gateway optionally waits to the end of the negotiation stage before transmitting frame). (f) transmitting the messages from the second gateway to the first gateway (see Somekh paragraph 230 gateway 36B transmitting to gateway 36A a packet which reports the delay due to network being still in the connection establishment negotiation stage).

Somehk disclose all the subject matter of the claimed invention with the exception of: • Pause message

Rom from the same or similar fields of endeavor teaches the use of: Pause frame is provided to an information packet source by a downstream destination to inhibit transmission of information packets such as information frames by the information packet source to the downstream destination for a specified period of time (see Rom col. 5 lines 8-12).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the pause frame as taught by Rom in modem relay over packet based network of Somekh in order to enhance system efficiency by implementing flow control and providing a control signal (see Rom col. 1 line 51 - col. 2 line 6). Regarding claim 19, Somekh teaches modem (see Somekh paragraph 130) and further comprising the step of: (g) transmitting the pause messages from the first gateway to the plurality of data sources (see Somekh paragraph 228 gateway 36A repeatedly transmits frames with guess values to modem 32A in order to stall the connection on the network and figure 11 illustrate more that one customers terminals). Regarding claim 20, Somekh modem (see Somekh paragraph 130) and teaches step (a) is performed by a plurality of sending tasks created by the data sources (see Somekh paragraph 258 a plurality of customers, and transmit to each other signals they receive on their twisted pairs and figure 11 box 524).

Regarding claim 22, Somekh modem (see Somekh paragraph 130) and teaches the first gateway includes an input task and an output task, the second gateway

includes an input task and an output task, step (b) is performed by the output task of the first gateway (see Somekh paragraph 217 data signals received by gateways 36a and 36b are optionally forwarded to the other gateway in data packets), steps (c) and (e) are performed by the input task of the second gateway (see Somekh paragraph 217 data signals received by gateways 36a and 36b are optionally forwarded to the other gateway in data packets), and step (f) comprises transmitting the pause messages from the output task of the second gateway to the input task of the first gateway (see Somekh paragraph 218 gateway optionally notify each other on reception of a break frame by transmitting a break packet which states the reception of the break frame).

Regarding claim 24, Somekh teaches modem (see Somekh paragraph 130) and further comprising the steps of: (g) sending messages with data package transfer information from the data sources to the first gateway (see Somekh paragraph 258 a plurality of customers, and transmit to each other signals they receive on their twisted pairs and figure 11 box 524); (h) sending a message with the data package transfer information from the first gateway to the second gateway (see Somekh paragraph 217 data signals received by gateways 36a and 36b are optionally forwarded to the other gateway in data packets); (i) sending messages with the data package transfer information from the second gateway to the data destinations (see Somekh figure 14 box 812 and paragraph 217); and (j) checking the data package transfer information at the data destinations (see Somekh paragraphs 291 and 293).

4. Claims 2, 7, 10, 15, 18, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Somekh and Rom further in view of Janakiraman et al., hereinafter Janakiraman, (2004/0196785).

Regarding claims 2 and 7, Somekh and Rom disclose all the subject matter of the claimed invention with the exception of: • the first gateway includes a mailbox and an output task, the data packages are transmitted to the mailbox in step (a), and the output task retrieves data packages stored in the mailbox. • (g) transmitting acknowledgement messages from the first gateway to the data sources; and (h) counting the acknowledgement messages received at each data source.

Janakiraman from the same or similar fields of endeavor teaches the use of packet buffer and packet sending process, that packet have been buffered, then the process attempts to send these packets, and NumAckPending which if the packet can be sent, then NumAckPending is increment (see Janakiraman paragraphs 27 and 28),

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the packet buffer and packet sending process as taught by Janakiraman in the modified modem relay over packet based network of Somekh and Rom in order to reduce the utilization of the network fabric (see Janakiraman paragraph 6).

Regarding claims 10 and 15, Somekh and Rom teaches software (see Somekh paragraph 261 software) and discloses all the subject matter of the claimed invention with the exception of: • the first gateway includes a mailbox and an output task, the data packages are transmitted to the mailbox in step (a), and the output task retrieves data

packages stored in the mailbox. • (g) transmitting acknowledgement messages from the first gateway to the data sources; and (h) counting the acknowledgement messages received at each data source.

Janakiraman from the same or similar fields of endeavor teaches the use of packet buffer and packet sending process, that packet have been buffered, then the process attempts to send these packets, and NumAckPending which if the packet can be sent, then NumAckPending is increment (see Janakiraman paragraphs 27 and 28),

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the packet buffer and packet sending process as taught by Janakiraman in the modified modem relay over packet based network of Somekh and Rom in order to reduce the utilization of the network fabric (see Janakiraman paragraph 6).

Regarding claims 18 and 23, Somekh and Rom teaches modem (see Somekh paragraph 130) and discloses all the subject matter of the claimed invention with the exception of: • the first gateway includes a mailbox and an output task, the data packages are transmitted to the mailbox in step (a), and the output task retrieves data packages stored in the mailbox. • (g) transmitting acknowledgement messages from the first gateway to the data sources; and (h) counting the acknowledgement messages received at each data source.

Janakiraman from the same or similar fields of endeavor teaches the use of packet buffer and packet sending process, that packet have been buffered, then the

process attempts to send these packets, and NumAckPending which if the packet can be sent, then NumAckPending is increment (see Janakiraman paragraphs 27 and 28),

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the packet buffer and packet sending process as taught by Janakiraman in the modified modem relay over packet based network of Somekh and Rom in order to reduce the utilization of the network fabric (see Janakiraman paragraph 6).

5. Claims 5, 13, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Somekh and Rom in view of Lindhorst-ko et al. (US2002/0075873).

Regarding claim 5, Somekh and Rom disclose all the subject matter of the claimed invention with the exception of: (g) adding sequence identifiers to the data packages in step (a); (h) checking the sequence identifiers added in step (g) at the first gateway; (i) adding sequence identifiers to the data packages in step (c); and (j) checking the sequence identifiers added in step (i) at the data destinations.

Lindhorst-ko et al. from the same or similar fields of endeavor teaches the use of each data packets for transmission is tagged with a sequence number by the source node. The destination node receives the data packets transmitted over the paths, and reconstructs the traffic from the received data packet (see Lindhorst-ko et al. paragraph 35 and 36).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the tagging data packets with a sequence number, and

reconstructing the traffic from the received data packet as taught by Lindhorst-ko et al. in the modified modem relay over packet based network of Somekh and Rom in order to enhance reliability and implement and is scalable for selectable degrees of reliability against network faults (see Lindhorst-ko et al. paragraphs 3 and 4).

Regarding claim 13, Somekh and Rom teaches software (see Somekh paragraph 261 software) disclose all the subject matter of the claimed invention with the exception of: (g) adding sequence identifiers to the data packages in step (a); (h) checking the sequence identifiers added in step (g) at the first gateway; (i) adding sequence identifiers to the data packages in step (c); and (j) checking the sequence identifiers added in step (i) at the data destinations.

Lindhorst-ko et al. from the same or similar fields of endeavor teaches the use of each data packets for transmission is tagged with a sequence number by the source node. The destination node receives the data packets transmitted over the paths, and reconstructs the traffic from the received data packet (see Lindhorst-ko et al. paragraph 35 and 36).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the tagging data packets with a sequence number, and reconstructing the traffic from the received data packet as taught by Lindhorst-ko et al. in the modified modem relay over packet based network of Somekh and Rom in order to enhance reliability and implement and is scalable for selectable degrees of reliability against network faults (see Lindhorst-ko et al. paragraphs 3 and 4).

Regarding claim 21, Somekh and Rom teaches a modified modem a modem (see Somekh paragraph 130) and disclose all the subject matter of the claimed invention with the exception of: (g) adding sequence identifiers to the data packages in step (a); (h) checking the sequence identifiers added in step (g) at the first gateway; (i) adding sequence identifiers to the data packages in step (c); and (j) checking the sequence identifiers added in step (i) at the data destinations.

Lindhorst-ko et al. from the same or similar fields of endeavor teaches the use of each data packets for transmission is tagged with a sequence number by the source node. The destination node receives the data packets transmitted over the paths, and reconstructs the traffic from the received data packet (see Lindhorst-ko et al. paragraph 35 and 36).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the tagging data packets with a sequence number, and reconstructing the traffic from the received data packet as taught by Lindhorst-ko et al. in the modified modem relay over packet based network of Somekh and Rom in order to enhance reliability and implement and is scalable for selectable degrees of reliability against network faults (see Lindhorst-ko et al. paragraphs 3 and 4).

Response to Arguments

1. Applicant's arguments see pages 7-10 of the Remarks section, filed 9/4/2008, with respect to the rejections of the claims have been fully considered and are not persuasive.

2. Applicant argues (see page 7) that The Office Action's combination of Somekh and Rom does not teach or suggest (e) generating pause messages at the second gateway based at least in part on the reception of acknowledgement messages by the second gateway or (f) transmitting the pause messages from the second gateway to the first gateway, as required by independent claims 1, 9, and 17

However, Examiner respectfully disagrees with the Applicant's assertion. The cited prior art does indeed teach the cited limitations. Specifically, Somekh teaches (e) generating messages (see Somekh paragraph 230 a packet which reports the delay due to network being still in the connection establishment negotiation stage) at the second gateway and reception of acknowledgement messages by the second gateway based at least in part on the reception of acknowledgement messages by the second gateway (see Somekh paragraph 228 when gateway 36B receives packet before the connection establishment negotiation stage on network is completed, gateway optionally waits to the end of the negotiation stage before transmitting frame), (f) transmitting the messages from the second gateway to the first gateway (see Somekh paragraph 230 gateway 36B transmitting to gateway 36A a packet which reports the delay due to network being still in the connection establishment negotiation stage).

Examiner further submits that clearly, figure 9c shows, the receipt of message 316 from modem by 32B by gateway 36B triggers message 318 to gateway 36A (paragraph 0227, when gateway 36B receives a frame 316 generated responsive to this frame 314, it transmits packet 318 to gateway 36A). As such, Examiner respectfully disagrees with the Applicant's assertion that Gateway B "does not transmit frames 318

responsive to these frames 316", and Gateway B does not generate a message in response to the frames 316 that it receives from Modem B (see page 8 in Applicant's argument). Examiner respectfully submits that the current claim language of elements (e) and (f) are indeed satisfied the cited prior art.

Applicant argues (see pages 8-9) that gateway A does not (e) generate pause messages. However, Examiner respectfully disagrees with the Applicant's assertion. Rom from the same or similar fields of endeavor teaches the use of: Pause frame is provided to an information packet source by a downstream destination to inhibit transmission of information packets such as information frames by the information packet source to the downstream destination for a specified period of time (see Rom col. 5 lines 8-12). In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant further argues that (see page 9) the Office Action does not argue that Rom provides the missing elements; the Office Action argues that Rom teaches pause messages but the Office Action's combination still relies on Somekh to teach the transmission of messages from Gateway B to Gateway A, and Applicant showed above that Somekh does not teach or suggest that element.

However, Examiner respectfully disagrees with the Applicant's assertion. Examiner has clearly shown above that the cited prior arts do indeed teach the cited

limitations. Specifically, figure 9c shows, the receipt of message 316 from modem by 32B by gateway 36B triggers message 318 to gateway 36A (paragraph 0227, when gateway 36B receives a frame 316 generated responsive to this frame 314, it transmits packet 318 to gateway 36A). As such, Examiner respectfully disagrees with the Applicant's assertion that Gateway B "does not transmit frames 318 responsive to these frames 316", and Gateway B does not generate a message in response to the frames 316 that it receives from Modem B (see page 8 in Applicant's argument). Examiner respectfully submits that the current claim language of elements (e) and (f) are indeed satisfied the cited prior art. Further, Examiner has shown, Rom from the same or similar fields of endeavor teaches the use of: Pause frame is provided to an information packet source by a downstream destination to inhibit transmission of information packets such as information frames by the information packet source to the downstream destination for a specified period of time (see Rom col. 5 lines 8-12). In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Dependent claims 3, 4, 6, 8, 11-12, 14, 16, 19, 20, 22 and 24 are not patentable for the same reasons cited above.

Similarly, dependent claims 2, 5, 7, 10, 13, 15, 18, 21 and 23 are not patentable for the same reasons cited above.

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SALMAN AHMED whose telephone number is (571)272-8307. The examiner can normally be reached on 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. A./

Examiner, Art Unit 2419

/Edan Orgad/

Supervisory Patent Examiner, Art Unit 2419